

Inside Cal/EPA

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Poor research cited

SCIENTISTS BLAST OEHHA CHILDREN'S RISK RANKING AS UNPROTECTIVE

Members of Cal/EPA's scientific advisory panel are thrashing the health hazard assessment office's report ranking top priority air contaminants impacting children's health, charging that the office omitted key pollutants from the highest tier in the ranking. Office of Environmental Health Hazard Assessment officials have agreed to reconsider several pollutants, which may force a complete reshuffling of the current top priority toxic air contaminants (TACs) selected, and could force the elimination of a separate lower tier due to time constraints.

A contentious May 14 meeting of the Scientific Review Panel (SRP) heated up when SRP member Paul Blanc challenged a new table released by OEHHA last week as containing inaccurate information that is "so disturbing"

continued on page 4

Calls for legislative input

CAL/EPA EYES NEW PERMIT SYSTEM FOR COMPANIES USING ISO/EMS SYSTEMS

Cal/EPA is eyeing the development of a new multimedia permit and regulatory system specifically for companies and regulated sources that implement environmental management systems (EMS), often called ISO 14000 systems, according to a draft report. The report recommends that state officials, the Legislature and stakeholders launch a project to "design and test" a new permit system based on EMS performance. *A copy of the draft report is available at our website, InsideEPA.com. See page 12 for details.*

Cal/EPA Secretary Winston Hickox submitted the report to lawmakers following a hearing earlier this month in which a budget subcommittee blasted the agency's explanation of its four-year-old EMS/ISO pilot project (see

continued on page 6

In response to slowed economy

DAVIS CHOPS \$90 MILLION FOR BEACHES, \$37 MILLION FOR BROWNFIELDS

Gov. Gray Davis is proposing to cut \$90 million from an initiative to clean up southern California beaches and \$37.5 million for brownfields cleanup insurance as part of revisions to the proposed 2001-02 budget due to an economic slowdown for the state. Spared from the budget ax is a \$50-million program to subsidize the purchase of zero-emission vehicles (ZEVs) over the next three years; however, the Legislature's budget committee must vote to approve the funding. And Davis is proposing that the money be extracted from the state's Motor Vehicle Account instead of the General Fund. If approved, it may reduce the amount of money available for more cost-effective mobile source emission reductions.

continued on page 8

TRUCKERS ACCUSE ARB OF 'REVERSAL' ON DIESEL FUEL REG, DEMAND DATA

The California Trucking Association (CTA) is accusing air board officials of renegeing on a pact to establish a national low-sulfur diesel fuel standard in 2006 by proposing to maintain a tighter California regulation. The trucking industry claims the Air Resources Board is bowing to the oil industry to maintain a California-only diesel standard that will allow the oil companies to continue to control supply and maintain higher prices in California compared to the rest of the nation.

CTA demanded through a public records act request documents related to ARB's fuel rule proposal, including information regarding meetings with major oil companies and an oil industry organization. A CTA source said that the proposed amendments to the ARB diesel fuel regulation are the result of a "special deal with oil companies"

continued on next page

INSIDE

| | |
|-------------------------------------------------------------------------------------------|----|
| WATER QUALITY: Activists sound alarm over troubling bioaccumulative pollutant | 3 |
| RENEWABLES: CIWMB weighs costs, benefits of landfill methane-extraction projects | 5 |
| AIR QUALITY: ARB beefs up crackdown on lawn mower evaporative emissions | 7 |
| ENERGY CRISIS: Activists wary of suing over alleged power generation air violations | 12 |

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responsive to the suggestions of this panel."

Glantz said that legally he understands why ETS cannot be added to the prioritization, but said that "from a scientific perspective it's really embarrassing." SRP member Gary Friedman said he is "bothered by [ETS'] absence" in the prioritization.

A few SRP members and several stakeholders have speculated that ARB is reluctant to move on ETS because it is a political hot potato. It is unclear how ARB would regulate ETS if listed as a TAC because it is not emitted from a stationary or mobile source that is clearly under ARB's purview, stakeholders said.

The Office of Environmental Health Hazard Assessment agreed to add a statement to the prioritization report stating that while, "on biological grounds, ETS could have been a priority" because it is not listed as a TAC, it could not be included.

SRP DIRECTS OVERHAUL OF CHILDREN'S RISK REPORT . . . begins on page one

and which deeply concerns the panel. "Table XX" lists the 35 TACs not included in the top two children's health chemical risk tiers drafted by OEHHA, which will receive the most attention by the Air Resources Board for possible tighter emission regulations. The table also includes explanations of why the 35 chemicals were considered unworthy of a high ranking. *The table is available at our website, InsideEPA.com. See page 12 for details.*

Blanc said he selected a handful of the 35 TACs in the table and performed his own cross-check, which turned up information contradicting the reasons OEHHA gave for assigning the TACs lower priorities. OEHHA reported that carbon disulfide, manganese and methylene chloride were assigned a lower priority because of inadequate data, based on literature searches from outside consultants. But Blanc said that in four hours he was able to turn up numerous relevant studies that were overlooked.

"Table XX is fatally flawed," Blanc told OEHHA officials. "I'm raising a fundamental question about the quality of hired-out work. . . . I'm really angry. You are asking me to put my name on a scientific approval of something."

Other SRP members shared Blanc's concern about approving the document, which may threaten Cal/EPA's drive to wrap up the prioritization report by a legislatively mandated July 1 deadline.

The SRP will meet again in June to give OEHHA more time to reconsider several TACs, but members said it may be better for Cal/EPA to only select the top five TACs needing first priority, to comply with the minimum number required by law, instead of sticking with the two-tier draft. SRP Chairman John Froines said the panel may have trouble signing off on the report by the deadline, "given the level of uncertainty."

George Alexeeff, OEHHA deputy director for scientific affairs, told the panel that the deadline is OEHHA's responsibility, and the SRP does not have to sign off on the document before it is comfortable, merely to meet the deadline. Alexeeff said OEHHA Director Joan Denton would not adopt the report without the SRP's approval, even if the deadline is missed.

OEHHA will amend summaries for carbon disulfide, manganese and methylene chloride by the next meeting and reconsider the rankings for arsenic, butadiene, chlorine, methanol, methyl bromide, perchloroethylene, toluene and xylene, staffers said. If the two top tiers remain as originally drafted, SRP members suggested ARB expand the number of TACs because more pollutants require quick attention, and they say the 11 currently ranked among the top is an arbitrary number.

Acetaldehyde should also be given special consideration because exposure could come from ethanol use in gasoline, and it appears to contribute to fetal alcohol syndrome, the SRP said. If ethanol is used to replace methyl tertiary butyl ether in gasoline, then acetaldehyde should be given an extra look, Froines suggested.

Methyl bromide is among the 35 TACs receiving a lower priority consideration, though the statute specifically excludes pesticide use from consideration. Methyl bromide is a unique case because its fumigation chambers are regulated by air districts, according to OEHHA officials.

TACs causing developmental effects are within the scope of the law, and can be included in the prioritization, according to OEHHA Chief Counsel Colleen Heck. ARB counsel agrees with OEHHA's legal opinion that the law says the goal is to protect "infants and children from effects and impacts of air pollution," and while developmental toxicity is not specifically mentioned in the law, the law should be interpreted broadly in the favor of being more protective, Heck said. TACs that cause fetal exposures impacting development in a way that produces childhood problems should be considered, according to OEHHA. Blanc asked that the document specifically note that Cal/EPA is not stating that a fetus is a child, and specify that decisions to include developmental toxicants are not because of fetal impacts, but problems they produce after a child is born.